

Application No. 10/774,285
Docket No. UC0406USCIP

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Remarks

Status of the Application

Claims 1-2, 4-10, 12, 14-16, 18, and 20-25 are pending: claims 4, 12, 18 and 23 are canceled herein, and new claim 26 is added.

Claims 1, 2, 8, and 10 are amended herein to recite only Formula III and to delete the substituents $C_nF_{2n+1}SO_2$, $COOR^4$, and CN. No new matter is introduced.

Claims 5, 6, 9, and 16 are amended to depend from claim 24 or 26. No new matter is introduced.

For clarity, claim 23 is canceled and rewritten in independent form as new claim 26. No new matter is introduced.

Claim 25 is amended to include the definitions of L^2 , L^3 , and L^4 , as recited in original claim 1. No new matter is introduced.

Amendments Overcome Previous Rejections

Applicants respectfully submit that the foregoing claim amendments overcome at least most of the outstanding rejections.

[1] The Office Action states, on page 4, the '910 provisional application does not disclose or suggest $C_nF_{2n+1}SO_2$, $COOR^4$ or CN as substituents on the phenylpyridine ligand. These substituents have been deleted from amended claim 1, as has Formula II.

[2] L^4 is limited in amended claim 1 to a nonionic monodentate phosphine ligand to bring it into full conformity with the '910 disclosure.

[3] Most of the claim 5 species disclosed for L^1 have a basis in the '910 application, and Applicants respectfully submit that the basis in the priority document is sufficient to overcome the references as prior art. In addition, the L^1 ligand applies only to Formula II in amended claim 5 wherein the dependency is changed from claim 1 to claim 26. The claim 26 active layer material is a L^1L^2M complex, which the Office Action compares to Compounds 10 and 11 in Ma and to Compound 17 in Thompson, though all two of those (all three with -CN substituents on the phenyl ring, at R^3 of the phenylpyridine ligand) are all L^2MX compounds, except for Compound 11, which is an L^3M compound with no ancillary ligand, and therefore of essentially different structure from those of claimed Formula II. Therefore, although the Office

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Action states that some of the L^1 species recited in claim 5 are outside the '910 disclosure, that observation is not dispositive because L_2MX complexes are being compared to $L'L''M$ complexes.

[4] Three of the four claim 6 ligands are particular species of claim 5 disclosures. For example, (V) is ligand 1-b, (VI) is ligand 1-p, and (VII) is ligand 1-s. Claim 9 has the same table as claim 6, but is dependent on claim 24, limited to Formula II.

[5] Applicants respectfully submit that the '910 disclosure does support present Formula III in that L^3 is a monoanionic monodentate ligand and L^4 is a nonionic monodentate phosphine ligand, so that with the amendments, two of the three ligands required for this formula are not of different scope from the earliest provisional application disclosure.

[6] The present Formula III discloses a complex $L'L''L'''M$ yet the Office Action compares these complexes, where the substituent is, say, -CN on the phenyl ring of a phenylpyridine ligand, with L_2MX or L_3M complexes having essentially different structures.

Primary References For Obviousness Rejection Not Prior Art

Claims 1, 2, 4-10, 12, 14-16, 18, 20, and 21 stand rejected as obvious over U.S. 6,916,554 to Ma et al. ("the Ma reference") or U.S. 7,011,897 to Thompson et al. ("the Thompson 2 reference"), whether alone or in combination with WO 02/15645 ("the Lamansky 2 reference"). However, these primary references are not prior art, and thus no rejection can be based on them, as will be explained.

Applicants respectfully submit that the claims, as amended, are fully supported by the earliest priority document for the instant application, U.S. Provisional Application No. 60/347,910, filed on November 7, 2001. The Ma reference's earliest possible priority date is later than November 7, 2001. Likewise, the Thompson 2 reference's earliest possible priority date is later than November 7, 2001. Thus, neither of these references is prior art under §102, and therefore neither is available for a 35 USC §103 rejection. As the Lamansky 2 reference was cited only as a secondary reference in combination with references that are unavailable as prior art, Applicant need not address it.

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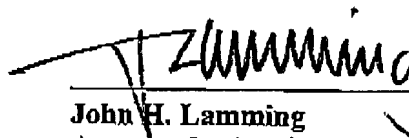
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In view of the foregoing amendments and remarks, Applicants submit that the above referenced application is in condition for allowance. A Notice of Allowance for the pending claims is earnestly requested.

Should the Examiner have questions about the application or the contents of this paper, the Examiner is invited to call the undersigned at the telephone number listed below.

Respectfully submitted,



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